

SENATE NO. 2029

AN ACT IMPROVING THE FINANCES OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 18 of chapter 161A of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the
3 following:—

4 Notwithstanding the provisions of any law to the contrary, and in addition to the sums to be credited to
5 the Massachusetts Bay Transportation Authority State and Local Contribution Fund pursuant to the
6 provisions of section 35T of chapter 10 of the General Laws, the Commonwealth shall annually
7 transfer to said Fund contract assistance sufficient to pay the debt service or other payment obligations
8 of the authority in connection with debt or other financing obligations of the authority, including,
9 without limitation, leases, reimbursement obligations or interest exchange agreements, issued or
10 entered into prior to July 1, 2000 in respect of which the Commonwealth has pledged its credit or is
11 otherwise liable or as to which the authority has covenanted to maintain net cost of service or contract
12 assistance support. The Commonwealth shall remain liable for the payment of such obligations or the
13 provision of net cost of service or contract assistance support as to such obligation to the same extent
14 as before the enactment of this chapter.

15 Notwithstanding the provisions of this section, the Commonwealth may, subject to appropriation and
16 the provisions of Article 62 of the Amendments to the Constitution of the Commonwealth, pledge its
17 credit, guaranty, or support for the funding of transit commitments made in connection with the central
18 artery project, so-called, capital improvements required under the Americans With Disabilities Act, or
19 any other projects to conform to federal statutory mandates, or projects or services specifically
20 authorized and funded by legislation enacted by the general court after July 1, 2000, or any other
21 projects or services authorized by the general court prior to said July 1 for which funding is
22 appropriated by the general court subsequent to said July 1; provided, that the authority shall not be
23 obligated to make expenditures for any such commitments or projects so authorized for which the
24 funds necessary to complete and operate such commitments or projects, including the guarantee of
25 contract assistance, have not been made available to the authority. The authority shall undertake such
26 projects and services so authorized and funded and shall incorporate them into the capital investment
27 program established pursuant to paragraph (g) of section 5 and shall not make them subject to the
28 priority ranking established by said paragraph (g) for other projects of the authority.

29 SECTION 2. Section 20 of said chapter 161A is hereby amended by inserting at the end of sentence 4
30 the following:—, provided, however, that any such budget need not provide for payment of debt
31 service payments or other payments due under financing obligations, including, without limitation,
32 leases, reimbursement obligations or interest exchange agreements, for which the Commonwealth will
33 provide contract assistance pursuant to section 18 of Chapter 161A.

34 SECTION 3. Subsection (h) of section 5 of said chapter 161A is hereby amended by adding the
35 following paragraph at the end of said subsection:—

36 Said report shall include numbers of riders per line of service as a monthly average, steps the authority
37 is taking to increase ridership, if any, and statistics on service reliability per line of service.

38 SECTION 4. Subsection (d) of said section 5 of chapter 161A is hereby amended by striking sentences
39 1 and 2 and inserting in place thereof the following:—

40 No proposal for a systemwide change in fares or decrease in systemwide service shall be effective
41 until said proposal shall first have been the subject of one or more public hearings and shall have been
42 reviewed by the advisory board and, for a systemwide increase in fares, the MBTA board has made
43 findings on the environmental impact of such increase in fares and, for a systemwide decrease in
44 service of 10% or more, the decrease shall be the subject of an environmental notification form
45 initiating review pursuant to sections 61 and 62H, inclusive, of chapter 30. Any systemwide increase
46 in fares shall conform to the fare policy established pursuant to paragraph (r) and shall not be effective
47 until said proposal is approved by the secretary of energy and environmental affairs after a public
48 hearing on the environmental impact of decreased ridership.

49 SECTION 5. Said section 5 of chapter 161A is hereby further amended by adding the following
50 subsection:—

51 (s) To adopt a fare policy that prohibits a per cent increase in fares greater than the inflation index
52 measured between the implementation date of the previous fare increase and the implementation date
53 of the proposed fare increase. For the purposes of this section, the words "inflation index" shall mean
54 the per cent change in inflation as measured by the per cent change in the consumer price index for all
55 urban consumers for the Boston metropolitan area as determined by the bureau of labor statistics of the
56 United States department of labor.

57 SECTION 6. Paragraph 1 of subsection (a) of section 35T of chapter 10 of the General Laws, as so
58 appearing, is hereby amended by inserting at the end of sentence 2 the following:— and (iii) contract
59 assistance from the Commonwealth pursuant to the provisions of section 18 of said chapter.

60 SECTION 7. Paragraph 2 of said subsection (a) of section 35T of chapter 10, is hereby amended by
61 inserting at the end of sentence 1 the following:— ; provided, however, that the authority shall not be
62 required to certify that it has made provisions in its annual budget pursuant to section 20 of chapter
63 161A for debt services payments or other payments due for which the Commonwealth will provide
64 contract assistance pursuant to section 18 of chapter 161A.

65 SECTION 8. Paragraph 2 of said subsection (a) of section 35T of chapter 10, is hereby amended by
66 inserting at the end of sentence 2 the following:— , except amounts in the Fund received as contract
67 assistance from the Commonwealth pursuant to section 18 of chapter 161A which shall be directed
68 towards improved operations, services and reliability on bus, subway and commuter rail lines.

69 SECTION 9. Said section 35T of chapter 10 is further amended by striking out the figure
70 “\$645,000,000” in sentence 1, and inserting in place thereof the following figure:— \$800,000,000.

71 SECTION 10. Said section 35T of chapter 10 is further amended by striking out “2001” throughout
72 the text of said section and inserting in place thereof the following:— 2008.

73 SECTION 11. Subsection (b) of said section 35T of chapter 10 is further amended by striking out
74 “2002” in sentence 8 and inserting in place thereof the following:— 2009.